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**DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600**

OBLON, SPIVAK, MCCLELLAND,
MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

In re Application of
Hideki Yoshioka, et al.
Application No. 09/778,097
Filed: February 7, 2001
For: **ULTRASONIC PICTURE PROCESSING
METHOD AND ULTRASONIC PICTURE
PROCESSING APPARATUS**

**DECISION ON REQUEST TO
WITHDRAW FROM RECORD**

This is a decision on the petition, filed October 22, 2004, under 37 CFR 1.181(a)(3) for consideration of a reference included with an Information Disclosure Statement filed March 12, 2004.

A review of the application file reveals that the information disclosure listing submitted on February 7, 2001, has been considered by the examiner. A notice to that effect was mailed on December 17, 2004. Attached to this decision are copies of the IDS listing, with the examiner's initials as evidence of consideration of the cited art.

Accordingly, Petitioner's request to invoke supervisory authority of the commissioner to compel the examiner to consider the reference included in the March 12, 2004 filing, is **Dismissed as Moot**.

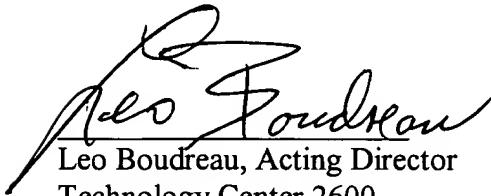
It is noted that the manner in which applicant provided the IDS listing, may have led to some confusion and the delay in consideration.

MPEP §609 [R-2] Information Disclosure Statement, states in part:...

III. MINIMUM REQUIREMENTS FOR AN INFORMATION DISCLOSURE STATEMENT...

A separate list is required so that it is easy to confirm that applicant intends to submit an information disclosure statement and because it provides a readily available checklist for the examiner to indicate which identified documents have been considered....Use of either form PTO-1449, Information Disclosure Citation, or PTO/SB/08A and 08B, Information Disclosure Statement, to list the documents is encouraged....

Given that applicant supplied copies of form 892 "Notice of References Cited" by the examiner, from a related application, it probably wasn't clear at the time, by the examiner, that applicant was providing the prior 892 forms as an Information Disclosure Listing. In the future, it is suggested that applicant provide a separate list, in accordance with MPEP § 609, in order to prevent any future confusion.

A handwritten signature in black ink, appearing to read "Leo Boudreau", is written over a horizontal line.

Leo Boudreau, Acting Director
Technology Center 2600
Communications

Enclosure: 3 pages considered IDS listing, originally submitted 2/7/01